

AMENDED IN SENATE APRIL 12, 2005

AMENDED IN SENATE MARCH 7, 2005

**SENATE BILL**

**No. 9**

**Introduced by Senator Denham**

*(Principal coauthors: Assembly Members Aghazarian, Cogdill,  
Matthews, Mullin, and Ruskin)*

December 6, 2004

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An act to add Section 15202.3 to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 9, as amended, Denham. Local government finance.

Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for homicide trials.

The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.

This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus for the homicide investigation and prosecution of Scott Peterson. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.

The bill would specify that, notwithstanding any other provision of law, funds appropriated from a specified item of the Budget Act of 2004 shall be available for reimbursement of 100% of the costs

incurred by the County of Stanislaus for the homicide investigation and prosecution of Scott Peterson.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. In the 1960s, the state established a policy of  
2 reimbursing rural local governments for costs of major homicide  
3 investigations and trials. These reimbursements have been made  
4 either through special legislation or in the annual Budget Act.

5 Investigation and court costs of several counties, for other  
6 recent major homicide trials including, but not limited to, those  
7 of Richard Allen Davis, Cary Stayner, and Charles Ng, have been  
8 reimbursed by the state at a rate of 100 percent.

9 In the recent trial of People v. Scott Peterson, Stanislaus  
10 County and the change of venue county, San Mateo County, have  
11 had investigative and trial costs exceeding two million dollars  
12 (\$2,000,000).

13 In keeping with the longstanding tradition and practice, the  
14 state will reimburse the Counties of Stanislaus and San Mateo for  
15 all investigative and trial costs, ~~not already covered by the state's~~  
16 ~~trial court funding process~~ prosecution costs, of People v. Scott  
17 Peterson that are deemed reasonable and appropriate by the  
18 Controller pursuant to Section 15202.3 of the Government Code.

19 SEC. 2. Section 15202.3 is added to the Government Code, to  
20 read:

21 15202.3. (a) Notwithstanding any other provision of law,  
22 requests for reimbursement of local agency costs for homicide  
23 trials shall be reviewed by the Controller prior to payment.

24 (b) The Controller shall not reimburse any local agency for  
25 costs incurred pursuant to Section 15202 that exceed the  
26 California Victim Compensation and Government Claims  
27 Board's standards for travel and per diem expenses. The  
28 Controller may reimburse extraordinary costs in unusual cases if  
29 the local agency provides sufficient justification of the need for  
30 these expenditures. Nothing in this section shall permit the  
31 reimbursement of costs for travel in excess of 1,000 miles on any

1 single round trip, without the prior approval of the Attorney  
2 General.

3 (c) The Controller shall reimburse local agencies for  
4 reasonable and necessary expenses incurred pursuant to Section  
5 15202, except that reimbursements to a local agency shall not  
6 exceed the following:

7 (1) For attorney services, an hourly rate equal to that county's  
8 average hourly cost for public defenders, the hourly rate paid to  
9 appointed counsel, or the hourly rate charged state agencies by  
10 the Attorney General for attorney services, whichever rate is less.

11 (2) For investigators, an hourly rate equal to that county's  
12 average hourly cost for county-employed investigators or the  
13 hourly rate charged state agencies by the Attorney General for  
14 investigators, whichever rate is less.

15 (3) For expert witnesses, the hourly rate that the county  
16 generally pays for these services.

17 SEC. 3. Notwithstanding any other provision of law, funds  
18 appropriated by Item 8180-101-0001 of Section 2.00 of the  
19 Budget Act of 2004 shall be available for reimbursement of 100  
20 percent of the costs incurred by the County of Stanislaus for the  
21 homicide investigation and prosecution of Scott Peterson.

22 SEC. 4. This act is an urgency statute necessary for the  
23 immediate preservation of the public peace, health, or safety  
24 within the meaning of Article IV of the Constitution and shall go  
25 into immediate effect. The facts constituting the necessity are:

26 In order to provide the County of Stanislaus *and the County of*  
27 *San Mateo* with urgently needed fiscal assistance at the earliest  
28 possible time, it is necessary that this act take effect immediately.